

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

IN RE:)
)
LINDA M THUNBERG) CASE No: 19-31049
) Chapter 7
)

MOTION FOR RELIEF FROM AUTOMATIC STAY
(No Protest Motion Pursuant to 11 U.S.C. §362)

Comes now, Gart Brett Dobson., (hereinafter, the “Movant”), former spouse of the Debtor, by and through his attorney, Kenneth Love, and moves the Court to enter an order granting his request for relief from the automatic stay imposed by 11 U.S.C. §362(a) on the following grounds:

1. On July 31, 2019, the above-referenced Debtor filed a Voluntary Petition with the Bankruptcy Court for the Western District of North Carolina under Chapter 7 of the Bankruptcy Code.
2. This Court has jurisdiction over this proceeding pursuant to 28 U.S.C. §§ 1334 and 157.
3. Debtor and Movant were previously married and an absolute divorce was granted on May 10, 2019.
4. The parties have filed for and engaged in Equitable Distribution. The action was filed in New Hanover County District Court and has case number 19 CVD 721. The action has been placed on inactive status pending further order from this court.
5. The parties have engaged in discovery and have incurred expenses in the state court matter which has been put on hold due to the Debtor’s filing.
6. The state court proceeding is the appropriate venue for the property division claims to be resolved.
7. Movant understand that no order of the State Court will be final until reviewed by this Court.
8. Pursuant to §362(e) and local Bankruptcy Rule 9013-1, Movant has noticed any interested party that it must file and serve any response, including an objection, within fourteen (14) days from service of the Notice of Opportunity for Hearing attached hereto and incorporated herein by reference; or to otherwise appear at the time and

location stated therein to object to this Motion. In the event that an interested party does not request a hearing, the Court may decide the matter on the record before it.

WHEREFORE, Movant prays the Court as follows:

1. That the Court modify the Automatic Stay of §362 of the Bankruptcy Code pursuant to §362(d)(2) to permit Movant and Debtor to continue the Equitable Distribution matter in state court;
2. That the Court modify Rule 4001(a)(3) of the Federal Rules of Bankruptcy Procedure such that said rule is not applicable in this case and said Movant may immediately enforce and implement the order granting relief from automatic stay;
3. That the Court grant such further relief as is just and proper.

This is the 22nd day of August, 2019.

/s/ Kenneth Love
Kenneth Love
Attorney for Movant
NC Bar No. 37700
10590 Independence Pointe Pkwy
Suite 200
Matthews, NC 28105
336-210-1853
336-464-2172

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**NOTICE OF OPPORTUNITY FOR HEARING ON MOTION FOR RELIEF
FROM THE AUTOMATIC STAY**

Kenneth Love, attorney for the Debtor, has filed a Motion for Relief from the Automatic Stay with the Court as described above. A copy of said Motion is attached hereto.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one).

If you oppose the relief sought in the motion, you must file a response to the motion requesting a hearing within 14 days from the service of this motion. If you do not respond, the Court will rule on the motion based on the record before it.

If you do respond to the motion, hearing will be held to consider this Motion on **September 9, 2019 at 9:30 a.m.**, at the Charles Jonas Federal Building, 401 West Trade St., Charlotte, North Carolina. No further notice of this hearing will be given.

All interested parties may attend and be heard. If you do not oppose the Application, you do not have to attend.

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the Motion and may enter an order granting the requested relief.

This the 22nd day of August, 2019

/s/ Kenneth Love
Kenneth Love

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CERTIFICATE OF SERVICE

The undersigned, counsel for Movant, hereby certifies that a copy of the forgoing Motion and Notice Of Opportunity For Hearing has been served upon the parties listed below. Registered users of CM/ECF were served electronically. All others were served by depositing copies of same in a depository of the United States Postal Service, first class mail, postage prepaid.

TO: Anna Cotton Wright
Bankruptcy Trustee
(served electronically)

Kimberly A Sheek
Attorney for Debtor
(served electronically)

Linda Thunberg
16870 Hugh Torance Pkwy
Huntersville, NC 28078
(first class mail)

Shelly Abdel
Bankruptcy Administrator
(served electronically)

This is the 22nd day of August, 2019.

/s/ Kenneth Love
Kenneth Love